



1 marketing, distribution, and sale of products they claim will treat, prevent, or cure COVID-19,  
2 cancer, and Parkinson's Disease.

3 **JURISDICTION AND VENUE**

4 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a),  
5 and 1345.

6 3. Venue is proper in this District under 28 U.S.C. § 1391(b)(1), (b)(2), and (c)(1), and  
7 15 U.S.C. § 53(b).

8 **PLAINTIFF**

9 4. The FTC is an independent agency of the United States Government created by  
10 statute. 15 U.S.C. §§ 41–58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a),  
11 which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also  
12 enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false advertisements for food,  
13 drugs, devices, services, or cosmetics in or affecting commerce.

14 5. The FTC is authorized to initiate federal district court proceedings, by its own  
15 attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be  
16 appropriate in each case, including rescission or reformation of contracts, restitution, the refund of  
17 monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. § 53(b).

18 **DEFENDANTS**

19 6. Defendant Golden Sunrise Nutraceutical, Inc. is a Delaware corporation with its  
20 principal place of business at 219 North E Street, Porterville, California 93257. Defendant Golden  
21 Sunrise Nutraceutical transacts or has transacted business in this District and throughout the United  
22 States. At all times material to this Complaint, acting alone or in concert with others, Defendant  
23 Golden Sunrise Nutraceutical has advertised, marketed, distributed, or sold products to consumers  
24 throughout the United States.

25 7. Defendant Golden Sunrise Pharmaceutical, Inc. is a California corporation with its  
26  
27  
28

1 principal place of business at 560 West Putnam Avenue, Suite 2, Porterville, California 93257.  
2 Defendant Golden Sunrise Pharmaceutical transacts or has transacted business in this District and  
3 throughout the United States. At all times material to this Complaint, acting alone or in concert with  
4 others, Defendant Golden Sunrise Pharmaceutical has advertised, marketed, distributed, or sold  
5 products to consumers throughout the United States.  
6

7 8. Defendant Huu Tieu (“Tieu”) is the President and Chief Executive Officer of  
8 Defendants Golden Sunrise Nutraceutical and Golden Sunrise Pharmaceutical. At all times material  
9 to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled,  
10 had the authority to control, or participated in the acts and practices of Defendants Golden Sunrise  
11 Nutraceutical and Golden Sunrise Pharmaceutical, including the acts and practices set forth in this  
12 Complaint. Defendant Tieu resides in this District and, in connection with the matters alleged  
13 herein, transacts or has transacted business in this District and throughout the United States.  
14

15 9. Defendant Stephen Meis (“Meis”) is the Medical Director of Defendant Golden  
16 Sunrise Nutraceutical and a member of its board of directors. At all times material to this  
17 Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the  
18 authority to control, or participated in the acts and practices of Defendants Golden Sunrise  
19 Nutraceutical and Golden Sunrise Pharmaceutical, including the acts and practices set forth in this  
20 Complaint. Defendant Meis resides in this District and, in connection with the matters alleged  
21 herein, transacts or has transacted business in this District and throughout the United States.  
22

### 23 **COMMON ENTERPRISE**

24 10. Defendants Golden Sunrise Nutraceutical and Golden Sunrise Pharmaceutical  
25 (collectively, “Corporate Defendants” or “Golden Sunrise”) have operated as a common enterprise  
26 while engaging in the deceptive acts and practices alleged below. Corporate Defendants have  
27 conducted the business practices described below through an interrelated network of companies that  
28 have common ownership, officers, managers, business functions, employees, and office locations.

1 Because these Corporate Defendants have operated as a common enterprise, they are partners in  
2 concerted wrongdoing and liable for the acts and practices alleged below. Defendants Tieu and  
3 Meis have formulated, directed, controlled, had the authority to control, or participated in the acts  
4 and practices of the Corporate Defendants that constitute the common enterprise and are partners in  
5 the concerted wrongdoing of the common enterprise.  
6

### 7 COMMERCE

8 11. At all times material to this Complaint, Defendants have maintained a substantial  
9 course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15  
10 U.S.C. § 44.

### 11 DEFENDANTS’ BUSINESS ACTIVITIES

#### 12 *Defendants’ Product Offerings and General Marketing*

13 12. Since at least 2016, Defendants have promoted and sold a variety of products labeled  
14 as dietary supplements. Defendants claim that these products provide numerous health benefits,  
15 including in the treatment of serious diseases.  
16

17 13. On their Golden Sunrise Nutraceutical homepage, Defendants claim that their  
18 products can effectively treat serious diseases and other medical conditions:  
19

#### 20 **Welcome to Golden Sunrise Nutraceutical!**

21 Golden Sunrise Nutraceutical Incorporation was founded in 2016.  
22 After thirty (30) extensive years of Research and Development of  
23 ***micronutrients*** and ***nutraceuticals***, Golden Sunrise Nutraceutical  
24 has successfully developed alternative herbal (botanical) products  
25 creating gene rejuvenation and promote overall-health to the patient.  
26 Preventing disease and creating overall well-being prolongs our life  
27 expectancy. The priority of Golden Sunrise Nutraceutical is to  
28 increase a healthy and productive life for those suffering from  
***Chronic, Serious or Life-threatening*** diseases or conditions;

(www.GoldenSunriseNutraceutical.com, captured on May 26, 2020).

1           14.     On their Golden Sunrise Pharmaceutical homepage, Defendants repeat the claim that  
2 their products treat numerous serious diseases or disorders.

3           15.     Defendants also claim that their products are safe and effective:

4               a)     On Defendants' Golden Sunrise Nutraceutical homepage, they claim that  
5 their "soft approach has led to the development of effective Golden Sunrise  
6 Nutraceutical herbal (botanical) products that have helped give a safe and effective  
7 use for many patients while efficiently improving the condition without harmful  
8 'side-effects' leading to healthier patient." (Emphasis in original).

9               b)     On their Golden Sunrise Pharmaceutical homepage, Defendants similarly  
10 claim that their "soft approach has led to the development of effective Golden  
11 Sunrise Pharmaceutical herbal/botanical products that have helped give a safe and  
12 effective use for many patients while efficiently improving the condition without  
13 harmful 'side-effects' leading to healthier patient." (Emphasis in original).

14           16.     Defendants market their supplements individually and collectively through four  
15 "plans of care": (a) Primary Plan of Care; (b) Emergency D-Virus Plan of Care; (c) Metabolic Plan  
16 of Care; and (d) Cancer Plan of Care.

17           17.     Defendants market their treatment plans as providing consumers safe, effective  
18 treatment for serious diseases.

19           18.     On their Golden Sunrise Nutraceutical homepage, Defendants expressly state that  
20 their plans "are intended to treat, modify, reverse, or cure a ***Serious or Life-threatening*** disease or  
21 condition; and ***real-world evidence*** indicates that the Golden Sunrise Nutraceutical treatments have  
22 potential to address unmet medical needs for such disease or condition." (Emphasis in original).

23           19.     Defendants market their treatment plans as virtual cure-alls for serious illnesses.  
24 Defendants' Golden Sunrise Nutraceutical homepage lists 29 health conditions that the treatment  
25 plans purportedly treat or cure:  
26  
27  
28



*Alcohol, Drug & Nicotine addictions - METABOLIC Plan of Care*  
 Alzheimer's Disease - METABOLIC Plan of Care  
 Amyotrophic Lateral Sclerosis (ALS) - METABOLIC Plan of Care  
 Autism Spectrum Disorder (ASD) - METABOLIC Plan of Care  
*Autoimmune Disorders - METABOLIC Plan of Care*  
 Cancer - CANCER Plan of Care  
*Chronic Constipation - METABOLIC Plan of Care*  
 Debilitating Chronic Pain - METABOLIC Plan of Care  
 Depressive Disorder - METABOLIC Plan of Care  
*Diabetes - METABOLIC Plan of Care*  
 Epilepsy - METABOLIC Plan of Care  
 Fibromyalgia - METABOLIC Plan of Care  
 Fragile-X Syndrome - METABOLIC Plan of Care  
 Hemostasis (less blood to be lost) - PRIMARY Plan of Care  
 Hypertension - METABOLIC Plan of Care  
 Lyme Disease - METABOLIC Plan of Care  
 Menopause - METABOLIC Plan of Care  
 Multiple Sclerosis (MS) - METABOLIC Plan of Care  
 Neuropathy - METABOLIC Plan of Care  
 Obesity - METABOLIC Plan of Care  
*Osteoporosis - METABOLIC Plan of Care*  
 Peripheral - METABOLIC Plan of Care  
 Prostate - METABOLIC Plan of Care  
 Parkinson's Disease - METABOLIC Plan of Care  
 Schizophrenia - METABOLIC Plan of Care  
 Stroke - METABOLIC P Plan of Care  
 Thalassemia - METABOLIC Plan of Care  
 Viral Illnesses - EMERGENCY D-Virus Plan of Care  
 Weight Loss - METABOLIC Plan of Care

(www.GoldenSunriseNutraceutical.com, captured on May 26, 2020).

20. On their Golden Sunrise Pharmaceutical homepage, Defendants list 18 health conditions that the treatment plans purportedly treat or cure and state:

health to the patient. The priority of Golden Sunrise Pharmaceutical is to increase a healthy and productive life for those suffering from ***Serious or Life-threatening*** conditions, ***Chronic condition***, Alzheimer's disease, Amyotrophic Lateral Sclerosis (ALS), Autoimmune disorders, Cancer, Constipation, Diabetes, Epilepsy, Debilitating Chronic Pain, Fragile-X Syndrome, Hemostasis (less blood to be lost), Hypertension, Menopause, Obesity, Parkinson's disease, Schizophrenia, Stroke, Thalassemia, Viral illnesses, and etc..... This soft approach has led to

(www.GoldenSunrisePharmaceutical.com, captured on May 26, 2020).

1           21. Defendants claim their products and treatment plans promote longevity of life. On  
2 their Golden Sunrise Nutraceutical homepage, Defendants state their “products and treatments  
3 improve Telomeres for cellular rejuvenation which increases overall-health to the body and can  
4 increase human longevity.”

5           22. Defendants claim on their Golden Sunrise Nutraceutical website that their products  
6 have been reviewed and accepted by the FDA, including through the following claims:  
7

8           a) “All Golden Sunrise Nutraceutical products are in compliance with Food and  
9 Drug Administration (FDA) regulations. All necessary documentation on each of the  
10 products was submitted to the FDA”; and

11           b) Their product ImunStem received a National Drug Code on July 2, 2018.  
12

13           23. In the product description documents for their Metabolic and Cancer treatment plans,  
14 Defendants also claim that their products are “designated as a Regenerative Medicine Advance  
15 Therapy (RMAT) by the Food & Drug Administration (FDA).”

16           24. In their product description document for the Emergency D-Virus treatment plan,  
17 Defendants claim that (a) their products “have proven themselves” to the FDA and (b) one of their  
18 products “was the first dietary supplement in the United States to be approved as a prescription  
19 medicine and also for the indication to treat *Serious or Life-threatening* conditions. It qualified for  
20 both of these under the Regenerative Medicine Advance Therapy (RMAT) . . . . This designation  
21 acknowledges not only the effectiveness of these herbs, usually only associated with pharmaceutical  
22 drugs, but also [that they] caus[e] no side effects, a quality of dietary supplements.” (Emphasis in  
23 original).  
24

25           25. In fact, Defendants’ products are not approved by the FDA as RMATs or under any  
26 other designation.  
27  
28

*Defendants' Treatment Plan Ingredients and Pricing*

26. Despite representing their treatment plans to contain “metabolic therapies” that will effectively treat “*Serious or Life-threatening* conditions,” the dietary supplements contained in Defendants’ treatment plans consist almost entirely of common herbs and spices.

27. Two products—ImunStem and Aktiffvate— form the core of all four of Defendants’ treatment plans and are the sole products in their Primary plan.

28. ImunStem and Aktiffvate generally contain common herbs and spices as their primary ingredients:

- a) ImunStem’s primary ingredients are 260mg of olive leaf extract, 52mg of yarrow extract, and 63mg of rosemary extract per serving; and
- b) Aktiffvate’s primary ingredients are 175mg of turmeric extract, 40mg of cayenne extract, and 20mg of eucalyptus extract per serving.

29. Defendants’ Emergency D-Virus treatment plan adds two more products—AnterFeeron-1 and AnterFeeron-2—to the Primary plan’s ImunStem and Aktiffvate products.

30. Like ImunStem and Aktiffvate, both AnterFeron-1 and AnterFeron-2 generally contain common herbs and spices as their primary ingredients:

- a) AnterFeron-1’s primary ingredients are 40mg of bilberry leaf, 120mg of graviola, and 80mg of goldenseal per serving; and
- b) AnterFeron-2’s primary ingredients are 45mg of mistletoe, 20mg of astragalus, and 95mg of reishi per serving.

31. Defendants’ Metabolic treatment plan adds 10 more products to the Emergency D-Virus plan’s product list. Defendants market these additional products as CrProtein, DetoxHerb-1, DetoxHerb-2, DetoxHerb-NR, DetoxHerb-PI, HyProtein-1, HyProtein-2, HyProtein-3, HyProtein-4, and LyProtein.



1           32.     Like the other four products in the Metabolic treatment plan, the 10 additional  
2 products in the Metabolic treatment plan generally contain common herbs and spices as their  
3 primary ingredients:

- 4           a)     CrProtein's primary ingredients are 35mg of cat's claw, 10mg of selfheal,  
5                 and 20mg of rosemary;
- 6           b)     DetoxHerb-1's primary ingredients are 100mg of poke weed, 65mg of  
7                 graviola, and 17mg of turmeric;
- 8           c)     DetoxHerb-2's primary ingredients are 110mg of olive leaf, 70mg of papaya  
9                 leaf, and 120mg of vinca;
- 10          d)     DetoxHerb-NR's primary ingredients are 60mg of gotu kola, 35mg of foti,  
11                 and 45mg of vinca;
- 12          e)     DetoxHerb-PI's primary ingredients are 40mg of bilberry, 120mg of graviola,  
13                 and 50mg of goldenseal;
- 14          f)     HyProtein-1's primary ingredients are 95mg of astragalus, 40mg of oregano,  
15                 and 70mg of cat's claw;
- 16          g)     HyProtein-2's primary ingredients are 40mg of green tea, 75mg of reishi, and  
17                 55mg of blood root;
- 18          h)     HyProtein-3's primary ingredients are 60mg of garlic, 30mg of turmeric, and  
19                 45mg of ashwagandha;
- 20          i)     HyProtein-4's primary ingredients are 25mg of garlic, 30mg of reishi, and  
21                 50mg of St. John's wort; and
- 22          j)     LyProtein's primary ingredients are 25mg of horse chestnut, 40mg of garlic,  
23                 and 50mg of turmeric.

24           33.     Defendants' Cancer treatment plan consists of 14 products, 10 of which are the same  
25 as in the Metabolic plan. The remaining four products in the Cancer treatment plan are KemoHerb  
26  
27  
28

1 products that replace the DetoxHerb products featured in the Metabolic plan.

2 34. The ingredients in the KemoHerb and DetoxHerb products are nearly identical:

3 a) KemoHerb-1 and DetoxHerb-PI contain the exact same ingredients in slightly  
4 different amounts per serving;

5 b) KemoHerb-2 contains the exact same primary ingredients as DetoxHerb-2 in  
6 slightly different amounts per serving;

7 c) KemoHerb-NR and DetoxHerb-NR contain the exact same ingredients in the  
8 exact same amounts per serving; and

9 d) KemoHerb-PI and DetoxHerb-PI contain the exact same ingredients in the  
10 exact same amounts per serving.

11 35. According to information available on Defendants' websites, the list price for both  
12 the Metabolic and Cancer treatment plans is \$170,000—\$200,000.  
13

14  
15 ***Defendants' False and Unsubstantiated Disease Claims***

16 36. Defendants promote their products and treatment plans through their Golden Sunrise  
17 websites, testimonial videos, social media, physical billboards, and other marketing materials.  
18 Through these means, Defendants have widely disseminated advertising and other marketing that  
19 represents their products and treatment plans as preventing, treating, or curing serious, life-  
20 threatening diseases, including COVID-19, cancer, and Parkinson's disease.  
21

22 **Defendants' COVID-19 Claims: Emergency D-Virus Plan of Care**

23 37. In March 2020, Defendants began marketing their Emergency D-Virus treatment  
24 plan as a cure for COVID-19.

25 38. To induce consumers to purchase the Emergency D-Virus treatment plan as a  
26 treatment for COVID-19, Defendants have disseminated or caused to be disseminated  
27 advertisements and marketing materials through websites, social media, and physical billboards.  
28

1           39. Defendants’ advertisements of their Emergency D-Virus treatment plan typically  
2 direct consumers to a product description document available on Defendants’ Golden Sunrise  
3 Nutraceutical website.

4           40. Until approximately May 11, 2020, Defendants expressly claimed in the product  
5 description document that their Emergency D-Virus treatment plan could effectively treat COVID-  
6  
7 19. Defendants represented in the document that:

8           a) “Stephen R. MEIS, M.D., Board Certified, I strongly recommend Golden  
9 Sunrise Nutraceutical Incorporation herbal products *ImunStem* and *Aktiffvate*, along  
10 with their *AnterFeerons* product, as uniquely qualified to treat and modify the  
11 course of the Coronavirus epidemic in CHINA and other countries” (emphasis in  
12 original);

13           b) With increased use of one of the supplements included in the Emergency D-  
14 Virus treatment plan, “disappearance of viral symptoms is expected within two (2) to  
15 four (4) days”;

16           c) The recommended dietary supplements “are available now and once they are  
17 started, they will help alleviate the people immediately [sic] with the acute illness of  
18 the Coronavirus”;

19           d) “Physicians have observed that using Emergency D-Virus Plan of Care  
20 provokes a significant response, i.e., a reduction in symptoms in patients with the  
21 COVID-19 virus”; and

22           e) “Up until now, because there has been no effective treatment, the effort of  
23 controlling the *COVID-19* virus pandemic has necessitated a preventative approach  
24 . . . Now with the *EMERGENCY D-Virus Plan of Care* showing effective treatment  
25 for the *COVID-19* virus, the focus can change, at [sic] it should, from prevention to  
26 treatment. . . . Prompt administration of this treatment will significantly diminish the  
27  
28

1 occurrence of serious cases and need for hospitalization.” (Emphasis in original).

2  
3 41. The FTC issued a warning letter to Defendant Golden Sunrise Pharmaceutical on  
4 April 29 demanding that it remove all unsubstantiated claims that their product could prevent, treat,  
5 or cure COVID-19.  
6

7 42. In response to the FTC’s warning letter, Defendants modified their marketing  
8 materials to replace “COVID-19 virus” with terms such as “the virus,” “viral,” or “the viral  
9 pandemic.”

10 43. In the revised materials, Defendants continue to represent that their Emergency D-  
11 Virus treatment plan can effectively treat COVID-19. These materials state that:

- 12 a) “Stephen R. MEIS, M.D., Board Certified (Dr. Meis), I strongly recommend  
13 Golden Sunrise Nutraceutical Incorporation herbal products *ImunStem* and  
14 *Aktiffvate*, along with their *AnterFeerons* product, as uniquely qualified to treat and  
15 modify the course of the **virus** epidemic in CHINA and other countries” (emphasis  
16 in original);  
17  
18 b) With increased use of one of the supplements included in the Emergency D-  
19 Virus treatment plan, “disappearance of viral symptoms is expected within two (2) to  
20 four (4) days”;  
21  
22 c) The recommended dietary supplements “are available now and once they are  
23 started, they will help alleviate the people immediately [sic] with the acute illness of  
24 the virus”;  
25  
26 d) “Physicians have observed that using Emergency D-Virus Plan of Care  
27 provokes a significant response, i.e., a reduction in symptoms in patients with the  
28 virus”; and  
e) “Up until now, because there has been no effective treatment, the effort of

1 controlling the viral pandemic has necessitated a preventative approach . . . Now  
2 with the *EMERGENCY D-Virus Plan of Care* showing effective treatment for the  
3 **virus**, the focus can change, at [sic] it should, from prevention to treatment. . . .  
4 Prompt administration of this treatment will significantly diminish the occurrence of  
5 serious cases and need for hospitalization.” (Emphasis in original).  
6

7 44. On their Golden Sunrise Pharmaceutical website, Defendants have promoted their  
8 Emergency D-Virus treatment plan as a treatment for COVID-19. Defendants installed and  
9 maintained a prominent banner advertisement announcing “NEW COVID-19 TREATMENT  
10 EMERGENCY D-Virus Plan of Care” on their Golden Sunrise Pharmaceutical homepage that  
11 directed consumers to the original product description document.  
12

13 45. In response to the FTC’s warning letter, Defendants reworded the banner  
14 advertisement on their Golden Sunrise Pharmaceutical homepage to “Innovative Virus Treatment  
15 EMERGENCY D-Virus Plan of Care,” which directed consumers to the revised product description  
16 document via hyperlink.

17 46. Defendants removed the banner advertisement from their Golden Sunrise  
18 Pharmaceutical webpage on or about June 5, 2020. However, Defendants continue to maintain the  
19 “Innovative Virus Treatment EMERGENCY D-Virus Plan of Care” banner advertisement on their  
20 Golden Sunrise Nutraceutical homepage, and the banner ad continues to direct consumers to the  
21 revised product description document described in Paragraph 43 via hyperlink.  
22

23 47. On their Golden Sunrise Nutraceutical Facebook account, Defendants promote their  
24 Emergency D-Virus treatment plan with four posts that were created in March and April 2020:

25 a) In a March 3 Facebook post, Defendants posted materials they describe as  
26 “the best Coronavirus advice I have seen yet!” The materials claim: “There is one  
27 company with a proven cure. WHO and CDC don’t want to use it because it is not in  
28 vaccine form but an oral formula. Golden Sunrise Pharmaceutical /Nutraceutical []

1 Tested and Proven in Wuhan.”

2 b) In a March 18 Facebook post, Defendants claim that products in their  
3 Emergency D-Virus treatment plan, “ImunStem, Aktiffvate, and AnterFeeron are  
4 now on the market, especially in the current global situation of new coronavirus  
5 invasion, they will immediately help relieve patients with acute disease of  
6 coronavirus. . . . The efficacy of this product [i.e. treatment plan] has been witnessed  
7 by countless users!”

8  
9 c) In an April 9 Facebook post, Defendants reprint the text of and provide a link  
10 to an article in a local newspaper in which Defendant Meis:

11 i) Promotes ImunStem and Aktiffvate as potential treatments for COVID-19,  
12 with the article profiling a particular consumer who allegedly improved  
13 because of the treatment; and  
14

15 ii) Claims “ImunStem, a dietary supplement, was approved by the Food and  
16 Drug Administration in 2018 as a treatment for serious, life threatening  
17 conditions.”

18 d) In an April 16 Facebook post, Defendants posted an advertisement containing  
19 an image substantially similar to their billboard advertisements, stating “GO GO  
20 CHECK THE TREATMENT” and providing a link to their Golden Sunrise  
21 Nutraceutical website.  
22

23 48. Defendants are also marketing the Emergency D-Virus treatment plan as a “NEW  
24 COVID-19 Treatment” through at least four billboards in California, each of which looks  
25 substantially similar to the following:  
26  
27  
28





(Photo taken July 8, 2020, on California State Route 198)

### **Defendants' Cancer Claims: Metabolic and Cancer Plans of Care**

49. Defendants also market their Metabolic and Cancer treatment plans as cures for cancer.

50. To induce consumers to purchase their Metabolic and Cancer treatment plans, Defendants have disseminated or caused to be disseminated advertisements and marketing materials through their websites and social media accounts.

51. Defendants' Golden Sunrise Nutraceutical website contains more than a dozen videos claiming that their products treat, cure, or prevent serious disease, including six videos promoting their products as cures for cancer. These videos are accessible on Defendants' Golden Sunrise Nutraceutical homepage by clicking on a conspicuous "Testimonial" navigation menu option and are posted on their Golden Sunrise Nutraceutical YouTube account.

1           52. Two promotional videos that Defendants disseminated in mid-2017 feature an  
2 endorsement by a now-deceased former NFL quarterback who was diagnosed with cancer and who  
3 claims that Defendants' Cancer treatment plan is superior to chemotherapy as a cancer treatment. In  
4 these two videos, subtitled "NFL Quarterback has Amazing Results with ImunStem & Aktiffvate  
5 for Cancer, Part 1" and "NFL Quarterback has Results with KemoHerb for Cancer, Part 2," the  
6 endorser states:

7  
8           a) "I was able to take a product called KemoHerb which changed my life. My  
9 Kemo therapy was able to rip the skin off that, off the tumor and expose it so that the  
10 body and the white blood count which had been raised from the ImunStem and the  
11 Aktiffvate could kill it. The KemoHerb, yeah, it set me back for a couple of days, but I  
12 flushed my system like it has never been flushed before. It was the most powerful  
13 detox I ever felt in my life";

14  
15           b) "I was on the product from Golden Sunrise Pharmaceuticals for about three  
16 days; I told my wife I don't feel the tumor anymore. Now, I'm not playing, and I  
17 wasn't trying to make her feel good at that point in time; previously I was. But this  
18 has been over ten days now and I have not felt the tumor inside my esophagus at all.  
19 There is no question in my mind, no doubt in my mind that the tumor is shrinking. I  
20 haven't had any pain";

21  
22           c) "I can't be more proud, I can't be more honest, and I can't be more truthful to  
23 tell you that I honest to goodness believe that I have been delivered from the hand of  
24 God with the help of Golden Sunrise Pharmaceuticals. We've cured cancer. I truly  
25 believe at this point. I can't feel it anymore; I haven't felt it in about six or seven  
26 days. I truly believe that the cancer has been cured. I've never felt better; I wake up  
27 every morning with zest"; and

28           d) "I am here to tell you that without any chemo, without any radiation, and

1 without any surgery, I feel better today than I when I left the NFL in 1992.”

2 53. Another promotional video titled “Cancer Breakthroughs with KemoHerb” and  
3 disseminated on or about June 2017 similarly claims that Defendants’ products cure cancer. In the  
4 video, a woman who claims to have been diagnosed with cancer says that Defendants’ products  
5 purged cancer from her body. She states she “called Golden Sunrise Pharmaceuticals to see what  
6 were some of the things coming out of me [from an unusual bowel movement after taking  
7 KemoHerb], and they said that it was the cancer. . . . and they said it was part of the healing, and I  
8 felt like a different person. I would like to thank Golden Sunrise Pharmaceutical for giving me my  
9 life back.”  
10

11 54. A final set of three videos claim that Defendants’ products can treat cancer and  
12 reduce the side effects of chemotherapy. The last in the set, titled “Cancer Breakthroughs, Another  
13 Cancer Patient Successful Results Treated with KemoHerb, Part 3 of 3” and created on or about  
14 June 2017, represents Defendants’ Cancer treatment plan—specifically Defendants’ KemoHerb  
15 product—to be an alternative to chemotherapy that treats cancer. In that video, another individual  
16 who claims to have been diagnosed with cancer also says that Defendants’ products purged cancer  
17 from his body. In the video, he explains how Defendants told him that:  
18

19 a) KemoHerb will “strip the edges off the tumors and expose them so that the  
20 body’s own immune system can attack”;

21 b) An unusual bowel movement “sounds like the shell—like the mucus sac that  
22 the tumor is in . . . fifteen minutes later, another bowel movement happened, this  
23 time though it was this like brownish red, like a spider web-looking substance in the  
24 toilet, and I called them and I said ‘all right,’ I said, ‘what is this?’ and they said it  
25 sounds like the outside of the tumor’s shell”; and  
26

27 c) “Golden Sunrise Pharmaceuticals told me, they said as you continue to do  
28 KemoHerb, what’s going to happen is, as your cancer cells get weaker, your body is

1 going to start feeling stronger, and you will feel it. They said but what also will  
2 happen is your platelets will start going up and your white count will go up too, and  
3 what they said what that means is your immune system is taking over the cancer and  
4 basically being in control.”

5 55. The other two videos in the series, titled “Cancer Breakthrough Successful Results –  
6 Part 1 of 3” and “Cancer Breakthroughs, Another Cancer Patient Successful Results Treatment, Part  
7 2 of 3,” feature a purported cancer patient who claims that two products in Defendants’ treatment  
8 plans—ImunStem and Aktiffvate—reduce the side effects of chemotherapy. In the “Part 1” video,  
9 which is also available on Defendants’ Golden Sunrise Pharmaceutical Facebook account, the  
10 purported patient represents:  
11

- 12 a) “During the meeting with Golden Sunrise, I was told that this product [i.e.,  
13 the therapy] would do amazing things for me. . . . I was told was the product would  
14 rebuild my stem cells and make them larger like they were, like they were before”;
- 15 b) “I was also told that the stem, that the cells rebuild faster than the chemo  
16 could tear it apart, that it supersede the chemo and I probably would not lose my hair  
17 . . . They told me that the product [i.e., the therapy] would build my immune system  
18 up to where as I go through chemo, my side effects should be not much more than  
19 getting a flu shot or a mild flu”;
- 20 c) “I left that day with the products [ImunStem and Aktiffvate], went home,  
21 started taking them, and this was three days prior to my next round of chemo; within  
22 two days, the sores in my mouth had cleared up; the pains in my hips and my  
23 neuropathy were a little bit less intense”;
- 24 d) “After the next round of chemo, the third round of chemo, Golden Sunrise I  
25 called them up and I said ‘do you have any suggestions for me?’ and they said to  
26 increase your dosage—the day before chemo, during chemo triple your dosage the  
27  
28

1 day after, it will kinda help to offset the side effects of the chemo. Well, as I did that,  
2 my mouth, the sores in my mouth cleared up instantly”;

3 e) “When I asked Golden Sunrise about [wounds healing more quickly], they  
4 said that’s because my immune system is being rebuilt by the oils, and my body  
5 heals more normally compared to somebody who suffers from chemo and their body  
6 does not, does not heal”;

7  
8 f) “As the Aktiffvate and ImunStem built up in my system, and repaired my  
9 system, I was able to handle the chemo with very little side effects”; and

10 g) “My body is tolerating the chemo very well, and I believe that’s strictly  
11 because of Golden Sunrise products and the way they build a barrier against the  
12 chemo so I get the benefits but don’t get the suffering. And without Golden Sunrise,  
13 I’d be very scared to know where I’d be right now.”  
14

15 56. Defendants’ Golden Sunrise Nutraceutical website contains a section titled “Cancer  
16 is Primary [sic] a Metabolic Disease” that concludes by stating:

17 “Golden Sunrise Nutraceutical dietary supplements have established  
18 their safety and efficacy in helping to reverse, modify, or heal **Serious**  
19 **or Life-threatening** conditions. They cause release of toxins out of  
20 the cells and at the same time the herbs supply the essential nutrients  
21 which the cells have been starving for. These nutrients serve as  
22 building blocks allowing the cells to repair and rejuvenate themselves  
23 and return the cells to perform the functions they were intended to  
24 perform.” (Emphasis in original).

25 57. Defendants’ Golden Sunrise Nutraceutical website also contains a section titled  
26 “Treatment,” where product description documents for the Emergency D-Virus, Metabolic, and  
27 Cancer treatment plans are posted that claim:  
28

a) The Metabolic Plan of Care “is a preventative for cancer, which primarily is a  
metabolic problem like our other diseases”;

b) “The ***METABOLIC Plan of Care*** is also designed as a preventative plan of

1 care to arrest or reverse the metabolic abnormalities at the cellular level leading to  
2 the development of cancer cells” (emphasis in original);

3 c) The Metabolic treatment plan is “given to flush the system and aim at  
4 arresting the development of the metabolic disorders. The treatments are continued  
5 in order to support the elimination of metabolic disorders”;

6 d) “The administration of herbal (botanical) **CANCER Plan of Care** treatments  
7 for human health has led to the benefit of cancer treatments from plant based  
8 materials” (emphasis in original);

9 e) “**CANCER Plan of Care** treatment begins with the use of **ImunStem** and  
10 **Aktiffvate** to improve the immune system function. Then the administration of  
11 **KemoHerbs** are given to flush the system and attempt arresting the development of  
12 the cancer. The treatments are continued in order to support and attempt elimination  
13 of cancer cells” (emphasis in original); and  
14

15 f) The Cancer treatment plan “arrests the fermentation process and the cancer.”  
16

17 58. Defendants’ Golden Sunrise Nutraceutical website contains a section titled “The  
18 Evidence Our Science,” where Defendants also claim:

19 “The **CANCER Plan of Care** is the key for the effectiveness on the  
20 immune system and cellular metabolism. They have immune-  
21 stimulating properties. In-vivo studies on treated patients demonstrate  
22 increasing phagocytic activity and synthesis of helper cell function.  
23 **CANCER Plan of Care** have shown to transform Deoxyribonucleic  
24 Acid / Ribonucleic Acid (DNA / RNA) repair, before, during and  
25 after chemotherapy drugs, prescription drugs, toxic exposure and  
26 chemical induced damage. The variety of Golden Sunrise  
27 Nutraceutical herbals / botanical[s] have many effects including  
28 antioxidants activity and anit-inflammatory [sic] properties.”

\* \* \*

**METABOLIC Plan of Care** possess a bipolarity and a lipophilicity  
that facilitates molecular diffusion through various permeable and  
selective membranes. In-vivo studies on test subjects have indicated  
that the cell membrane integrity remains intact and is not disrupted or



1 destroyed in the process of assimilating into the cell, thus ensuring  
 2 long-term effectiveness. The technology developed by Golden  
 3 Sunrise Nutraceutical is the key for the effectiveness on immune  
 4 system and cellular metabolism. They have immune-stimulating  
 5 properties. In-vivo studies on treated patients demonstrate increasing  
 6 phagocytic and synthesis of helper cell function. **METABOLIC Plan**  
 7 **of Care** have shown to transform Deoxyribonucleic Acid /  
 8 Ribonucleic Acid (DNA / RNA) repair, before during and after  
 9 chemotherapy drugs, prescription drugs, toxic exposure and chemical  
 10 induced damage. The variety of these herbals / botanical[s] have  
 11 many effects including antioxidant activity and anti-inflammatory  
 12 properties.” (Emphasis in original).

13 59. Defendants include cancer survival rate results on their Golden Sunrise Nutraceutical  
 14 website that compare Defendants’ Cancer treatment plan favorably to chemotherapy. Defendants  
 15 claim that these purported test results show:

16 a) “A total of 27-patients have been treated for various cancer after  
 17 chemotherapy, radiation and surgery had been treated with poor outcomes. Golden  
 18 Sunrise Nutraceutical provided ***CANCER Plan of Care*** to these patients that  
 19 improved their quality-of-life” (emphasis in original);

20 b) In a chart with columns titled “Side-Effects” and “Quality of Life,” that their  
 21 Cancer treatment plan has no side effects and “good well-being” as the quality of  
 22 life, while chemotherapy has “multiple toxic-effects and [h]ospitalization” as side-  
 23 effects and “[p]oor overall-health” as quality of life; and

24 c) In a chart titled “***CANCER Plan of Care STAGE-0, I, II, III, AND IV FOR***  
 25 ***ALL TYPE[S] OF CANCER,***” that patients using their Cancer treatment plan have  
 26 a two-year survival rate of 100% for Stage-I cancer, 86% for Stage-II cancer, 100%  
 27 for Stage-III cancer, and 60% for Stage-IV cancer. To reach these percentages,  
 28 Defendants use sample sizes ranging from one to seven purported patients.  
 (Emphasis in original).

60. Finally, Defendants also market their Metabolic and Cancer treatment plans as cures

1 for cancer through their Golden Sunrise Nutraceutical Facebook account.

2 a) In a March 18, 2020 Facebook post, Defendants claim that their Metabolic  
3 treatment plan “is a preventive agent for cancer, and like other diseases it is mainly a  
4 metabolic problem.”

5 b) In a February 27, 2020 Facebook post, Defendants promote the cure-all  
6 claims on their Golden Sunrise Nutraceutical website and list “Cancer – CANCER  
7 Plan of Care” among the treatments they provide.  
8

9 **Defendants’ Parkinson’s Disease Claims: Metabolic Plan of Care**

10 61. Defendants also market their Metabolic treatment plan as a cure for Parkinson’s  
11 disease.

12 62. To induce consumers to purchase their Metabolic treatment plan as a cure for  
13 Parkinson’s disease, Defendants have disseminated or caused to be disseminated advertisements  
14 and marketing materials through their websites and social media accounts.  
15

16 63. Defendants promote two testimonial videos that tout their treatment plan as treating,  
17 mitigating the symptoms of, or curing Parkinson’s disease. Both videos are accessible on  
18 Defendants’ Golden Sunrise Nutraceutical website by clicking on a conspicuous “Testimonial”  
19 navigation menu and are posted on their Golden Sunrise Nutraceutical YouTube account.  
20

21 64. These videos contain endorsements by a well-known musician who was diagnosed  
22 with Parkinson’s disease.

23 65. In one video, titled “Parkinson’s Breakthrough with ImunStem and Aktiffvate,” the  
24 musician states that he saw immediate improvement in his condition after taking Defendants’  
25 products:

26 a) “When I started taking Aktiffvate, the stumbling actually stopped the same  
27 day I was taking it. . . . I did realize that every time I took it over the next few days,  
28

1 then I would stop stumbling, and I wouldn't get as much tremoring in my wrist and  
2 everything else"; and

3 b) "When I took Aktiffvate, all I can say honestly and it doesn't matter about  
4 star and celebrity and fame and all that, it's just a matter of—it helped, and I say take  
5 it, try it."

6  
7 66. The second video is an interview between the same musician and an interviewer:

8 a) Interviewer: "I say it tastes like WD-40 and licorice, but it works—it works;  
9 and so with that said, this has helped you pick up the guitar again, it helped you with  
10 your beautiful voice again, how are you right now today as we speak? How much  
11 playing are you doing?"

12 Musician: "Well I'm actually preparing to do a whole lot. I'm still sort of  
13 [indecipherable] at home and recording, because I'm trying to put together some  
14 projects for Japan actually . . . I've got a bunch of gigs lined up . . ."; and

15  
16 b) Interviewer: "Check out Golden Sunrise Pharmaceuticals.com and everything  
17 they've done for people who are ailing with cancer, multiple sclerosis, ALS, and  
18 Parkinson's."

19 67. In addition to promotional videos, Defendants further promote their Metabolic  
20 treatment plan as a cure for Parkinson's disease through a document titled "Insulin Resistance  
21 Cellular Restorative Results" available on their Golden Sunrise Nutraceutical website. This  
22 document states that "Golden Sunrise Nutraceutical's *METABOLIC Plan of Care*, with Golden  
23 Sunrise Nutraceutical's products produced a significant response in 99% of their patients," and  
24 provides a list of conditions including Parkinson's Disease that see a "reduction of symptoms in  
25 patient[s] with [the] condition[]." (Emphasis in original).  
26

27 68. Defendants also market their Metabolic treatment plan as a cure for Parkinson's  
28 disease through their Golden Sunrise Nutraceutical Facebook account.

1 a) In a March 18, 2020 post, Defendants claim that their “METABOLIC  
2 Nursing Plan is a carefully planned treatment plan that uses herbal treatments to treat  
3 chronic diseases such as hypertension, diabetes, peripheral neuropathy, Parkinson’s  
4 disease, multiple sclerosis, gastrointestinal disorders, mental illness at the cellular  
5 level Schizophrenia, Lyme disease, etc.”

6  
7 b) In a February 27, 2020 Facebook post, Defendants promote their Golden  
8 Sunrise Nutraceutical homepage’s cure-all claims, which include listing Parkinson’s  
9 disease among the conditions they treat.

10 69. Based on the facts and violations of law alleged in this Complaint, the FTC has  
11 reason to believe that Defendants are violating or are about to violate laws enforced by the  
12 Commission.

13  
14 **VIOLATIONS OF THE FTC ACT**

15 70. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or deceptive acts or  
16 practices in or affecting commerce.”

17 71. Misrepresentations or deceptive omissions of material fact constitute deceptive acts  
18 or practices prohibited by Section 5(a) of the FTC Act.

19 72. Section 12 of the FTC Act, 15 U.S.C. § 52, prohibits the dissemination of any false  
20 advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce,  
21 the purchase of food, drugs, devices, services, or cosmetics. For the purposes of Section 12 of the  
22 FTC Act, 15 U.S.C. § 52, the constituent ingredients of each “plan of care” described above are  
23 each a “food” or a “drug” as defined in Section 15(b) and (c) of the FTC Act, 15 U.S.C. § 55(b) and  
24 (c).  
25

26 **Count I**  
27 **False and Unsubstantiated Disease Claims: COVID-19**

28 73. In numerous instances in connection with the advertising, marketing, promotion,

1 offering for sale, or sale of Defendants' treatment plans, including through the means described in  
2 Paragraphs 37—48, Defendants have represented, directly or indirectly, expressly or by implication,  
3 that the Emergency D-Virus treatment plan effectively treats, mitigates the symptoms of, or cures  
4 COVID-19.

5 74. The representation set forth in Paragraph 73 is false or misleading or was not  
6 substantiated at the time the representation was made.

7 75. Therefore, the making of the representation as set forth in Paragraph 73 of this  
8 Complaint constitutes a deceptive act or practice and the making of false advertisements in violation  
9 of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

10 **Count II**  
11 **False and Unsubstantiated Claims for Serious Diseases: Cancer**

12 76. In numerous instances in connection with the advertising, marketing, promotion,  
13 offering for sale, or sale of Defendants' treatment plans, including through the means described in  
14 Paragraphs 18—20 and 49—60, Defendants have represented, directly or indirectly, expressly or by  
15 implication, that their Metabolic and Cancer treatment plans effectively treat, mitigate the  
16 symptoms of, or cure cancer.

17 77. The representation set forth in Paragraph 76 is false or misleading or was not  
18 substantiated at the time the representation was made.

19 78. Therefore, the making of the representation as set forth in Paragraph 76 of this  
20 Complaint constitutes a deceptive act or practice and the making of false advertisements in violation  
21 of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

22 **Count III**  
23 **False and Unsubstantiated Claims for Serious Diseases: Parkinson's Disease**

24 79. In numerous instances in connection with the advertising, marketing, promotion,  
25 offering for sale, or sale of Defendants' treatment plans, including through the means described in  
26 Paragraphs 18—20 and 61—68, Defendants have represented, directly or indirectly, expressly or by  
27 implication, that their Metabolic treatment plan effectively treats, mitigates the symptoms of, or  
28 cures Parkinson's disease.

80. The representation set forth in Paragraph 79 is false or misleading or was not

1 substantiated at the time the representation was made.

2 81. Therefore, the making of the representation as set forth in Paragraph 79 of this  
3 Complaint constitutes a deceptive act or practice and the making of false advertisements in violation  
4 of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

5 **Count IV**  
6 **False Claims about the Use for Which the FDA Cleared Golden Sunrise Products**

7 82. In numerous instances in connection with the advertising, marketing, promotion,  
8 offering for sale, or sale of Golden Sunrise products, including through the means described in  
9 Paragraphs 22—24 and 47, Defendants represent, directly or indirectly, expressly or by implication,  
10 that:

- 11 a) Defendants' products have been reviewed and accepted by the FDA;
- 12 b) The FDA designated their products as Regenerative Medicine Advanced  
13 Therapies; and
- 14 c) The FDA's designation signifies that Defendants' products are safe and  
15 effective.

16 83. The representations set forth in Paragraph 82 are false.

17 84. Therefore, the making of the representation as set forth in Paragraph 82 of this  
18 Complaint is false and misleading, and constitutes a deceptive act or practice and the making of  
19 false advertisements in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

20 **CONSUMER INJURY**

21 85. Consumers are suffering, have suffered, and will continue to suffer substantial injury  
22 as a result of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly  
23 enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court,  
24 Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public  
25 interest.

26 **THIS COURT'S POWER TO GRANT RELIEF**

27 86. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant  
28 injunctive and such other relief as the Court may deem appropriate to halt and redress violations of



1 any provision of law enforced by the FTC. The Court, in the exercise of its equitable jurisdiction,  
2 may award ancillary relief, including rescission or reformation of contracts, restitution, the refund  
3 of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy any violation of  
4 any provision of law enforced by the FTC.

5 **PRAYER FOR RELIEF**

6 87. Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C.  
7 § 53(b), and the Court's own equitable powers, requests that the Court:

- 8 a) Award Plaintiff such preliminary injunctive and ancillary relief as may be  
9 necessary to avert the likelihood of consumer injury during the pendency of this  
10 action and to preserve the possibility of effective final relief, including temporary  
11 and preliminary injunctions;
- 12 b) Enter a permanent injunction to prevent future violations of the FTC Act;
- 13 c) Award such relief as the Court finds necessary to redress injury to consumers  
14 resulting from Defendants' violations of the FTC Act, including but not limited to,  
15 rescission or reformation of contracts, restitution, the refund of monies paid, and the  
16 disgorgement of ill-gotten monies; and
- 17 d) Award Plaintiff the costs of bringing this action, as well as such other and  
18 additional relief as the Court may determine to be just and proper.

19 Respectfully submitted,

20 ALDEN F. ABBOTT  
21 General Counsel

22 Dated: July 30, 2020

/s/ Zachary A. Keller /s/  
ZACHARY A. KELLER  
Texas Bar No. 24087838  
zkeller@ftc.gov; (214) 979-9382  
REID A. TEPFER  
Texas Bar No. 24079444  
rtepf@ftc.gov; (214) 979-9385  
EDWARD HYNES  
New York Bar No. 4887584  
ehynes@ftc.gov; (214) 979-9381  
1999 Bryan St. Ste. 2150, Dallas, Texas 75201  
Fax: (214) 953-3079  
Attorneys for Plaintiff Federal Trade Commission